IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Civil Revision No. 423 of 2001

Oriental Insurance Company Ltd.
Through Divisional Manager
Bhotia Parao
Haldwani
District Nainital ... Revisionist

Vs

1. Smt. Anandi Devi
   W/o Chanchal Singh
   Lince No. 4, Shantipuri
   Post Office – Shantipuri
   Police Station Kiccha
   District Udham Singh Nagar
2. Mukesh Goel S/o Tara Singh Goyal
   A-3/4 West Vihar
   New Delhi ... Opposite parties

Sri T.A. Khan, learned cousnel for the revisionist

Hon'ble B.C. Kandpal, J.

This revision has been preferred by the revisionist against the order dated 19.05.2001 passed by M.A.C.T./District Judge, Udham Singh Nagar in M.A.C.P. No. 36 of 1999 thereby dismissing the review petition filed by the Insurance Company.

2. Heard Sri T.A. Khan, learned counsel for the appellant and perused the record.

3. Brief facts of the case are that the motor accident claim petition No. 18 of 1999 was decided on 18.02.1999 on the basis of the compromise entered between the parties in the Lok Adalat. Thereafter, the Insurance Company moved an application that the driving licence of the driver was not valid, therefore, the Company was not in a position to enter into compromise in a case. The Tribunal considered the

arguments raised by learned counsel for the appellant before it and after the perusal of the entire material on record, the Tribunal came to the conclusion that the driving licence held by the driver of the offending vehicle in question was valid.

4. The Tribunal has recorded a categorical finding that there is an endorsement by the Licence Registration Authority Agra on the driving licence of driver, Ramchandra that the same was valid w.e.f. 20.05.1987 to 20.03.2002. It has also been observed therein that the driving licence was renewed after the accident but only for want of renewal of driving licence, the driver would not be considered to be disqualified.

5. I find myself in full agreement with the reasoning recorded by the motor accident claim tribunal in this connection. There are catena of decisions by the Hon'ble Apex Court as well as by several High Courts on the point that in case, if the driving licence of a driver could not be renewed on account of some technicalities or on account of some latches on the part of the driver, the driver cannot be considered to be disqualified for driving the vehicle.

6. In view of the aforesaid reasoning, I find no merit in the revision.

7. Accordingly, the revision is dismissed. The order dated 19.05.2001 passed by M.A.C.T./District Judge, Udham Singh Nagar In M.A.C.P. No. 36 of 1999 is hereby confirmed.

(B.C. Kandpal, J.)

26.10.2006
ASWAL